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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,926	10/20/2000	Douglas J. Cowell	00-5019	8386

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/30/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/692,926

**Applicant(s)**

COWELL ET AL.

**Examiner**

Hector A. Agdeppa

**Art Unit**

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 – 7, 9 – 13, 17 – 26, 31 – 37, and 39 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,405,033 (Kennedy, III et al.) in view of US 4,757,267 (Riskin).

As to claims 1 – 3, 17 – 22, and 31 - 33, Kennedy et al. teaches a system wherein a user makes a call from a mobile unit 12 to network switching center (NSC) 14, read as the claimed switching control node, to request any one of a number of services, for example, a roadside assistance service and an information service, read as the claimed first and second services. Also note that mobile switching centers

Art Unit: 2642

(MSCs) 106 and 108 read on the claimed switching node from where a call is initiated. (Figs. 1 and 6, Col. 2, lines 41 – 58, Col. 3, line 61 – Col. 4, line 22, Col. 9, lines 49 – 65, Col. 10, lines 55 – 67)

Kennedy et al. also teaches that the services have various types, i.e., for roadside services, specifically, towing, taxi/shuttle, car dealership services, etc. and for information services, specifically news agencies, weather bureaus, travel services, etc., any of the aforementioned services read as the claimed type of the first service, second type of the first service, first type of the second service, etc. (Fig. 6, Col. 2, lines 30 – 40)

Lastly, Kennedy et al. teaches that dependant upon what service and service type is requested, the call will be routed to one of a plurality of service centers 16 that can accommodate/provide the requested service. (Col. 1, line 53 – Col. 2, line 29, Col. 4, lines 16 – 21, Col. 11, lines 22 – 42)

Note that while Kennedy et al. teaches as the usual embodiment, pressing a key or button on mobile unit 12 to request a service, see Fig. 10 and Col. 25, lines 31 – 45, wherein it is taught that connection to the various service centers 16 is ultimately made either via a voice/standard telephony number connection or a data connection using web addresses, IP addresses, or 800 numbers as well.

What Kennedy et al. does not teach is matching a trigger number to a predetermined trigger number and requesting selection of various services depending on whether or not the trigger number match up.

However, Riskin teaches a system wherein a caller may call into a directory/service center/routing center using for example, an 800 number that is associated with a certain service/dealer and if the dialed number, i.e., the trigger number matches one of those 800 numbers, a caller will be connected to a service center/dealer handling the associated service. (Col. 15, line 55 – Col. 16, line 44 of Riskin)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined the teachings of Kennedy et al. and Riskin inasmuch as both systems are drawn to servicing a call request via a plurality of service centers/call centers. Moreover, Riskin's teaching of a trigger number being "keyed"/associated with a specific service/service center is very old and well known and as already discussed, Kennedy et al. also teaches ultimately connecting to a service/service center using such a number, even though it is not specifically discussed as being such a trigger number. A trigger number as claimed and as taught in the specification, pages 7 – 8 is merely a number that is associated with a specific service/service center and allows for a more direct connection to that service/service center.

Riskin also teaches that if a given 800 number does identify a specific service/service center, an extension is required to further identify the service/service center, the caller wishes to effect or connect to. This is read as the claimed, trigger number not matching the predetermined trigger number and requesting the caller to further pick a type of service so that the service request can be properly identified and

Art Unit: 2642

routed to the correct service center. (See the above reference cited in Riskin and also see Col. 6, lines 1 – 12 of Riskin).

As to claims 4 – 6, 23, 24, and 34 – 36, Riskin teaches that a caller will be connected to one of a plurality of the closest dealers/service centers nearest to the caller, based on the calling number, and associated with either a state, city, zip code, etc. (Col. 2, line 37 – Col. 4, line 11, Col. 6, line 24 – Col. 7, line 8, and Col. 8, lines 13 – 55 of Riskin)

Kennedy et al. also teaches that a service call will be routed to an appropriate service center, depending upon where that mobile unit 12, caller is located. (Col. 2, lines 12 – 21 of Kennedy et al.)

As to claims 7, 9, 37, and 39, Riskin teaches the use of call record journals read as the claimed status log, wherein one of the recorded elements is whether a call was completed or not to a specific dealer, read as the claimed call status. (Col. 17, lines 35 – 55 of Riskin)

Riskin further teaches that if a first dealer cannot be reached, i.e., the dealer is presently busy or is simply not answering, the option is given to the caller of being connected to another dealer. Therefore, the status information is used to determine where subsequent calls will be routed to in the sense that another dealer will be contacted to complete the service request instead. (Col. 8, lines 37 – 67 and Col. 19, lines 32 – 67 of Riskin)

As to claims 10, 25, and 40, Riskin has been discussed above as teaching that when a no answer or busy call results, a caller will be either automatically connected to

Art Unit: 2642

another "near" dealer or will be given the option to connect to that other "near" dealer.

The no answer or busy condition can be likened to the claimed error condition, and when such a condition is met, rerouting the call to another dealer, read as the claimed auxiliary service center.

As to claims 11 – 13, 26, and 41 - 43, as seen in both Riskin and Kennedy et al. (see the above noted references and figures), and as is well known in the call center arts, any of the plurality of service centers can be made to be an auxiliary service center. Such is a design choice or preference involving merely configuring a system as desired.

2. Claims 8,14 – 16, 27 – 30, 38, and 44 – 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,405,033 (Kennedy, III et al.), US 4,757,267 (Riskin), and further in view of US 2002/0076031 (Falcon et al.)

As to claims 8 and 38, Kennedy et al. and Riskin have been discussed above.

What they do not teach is status information including abandoned calls.

However, it is old and well known in the call center arts to address the issue of abandoned calls as taught by Falcon et al. (P. 1, ¶ 0002) Falcon et al. also teaches a system for connecting a caller making a service request to any number of agents, remote or local, servicing a plurality of call centers, taking and storing caller information such as past caller history which would include any calls abandoned by a caller. (P. 3, ¶ 0025, 0028, 0029 of Falcon et al.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated such information in the combination of Kennedy et al. and Riskin inasmuch as this is common problem, and because it is also old and well known for service centers to provide a higher priority to a caller who previously abandoned a call in hopes of gaining their business and lessening a caller's frustration at having to abandon their call.

Furthermore, as already discussed above, Riskin teaches handling and recording call information/status such as no answer/busy calls which could be likened to an abandoned call inasmuch as Riskin teaches giving a caller the option to try their call again later. (Col. 19, lines 33 – 35 of Riskin)

Also, Kennedy et al. teaches considering call status such as priority status for emergency calls, for example, wherein a call having emergency priority status will receive expedited service. (Col. 11, lines 4 – 21 of Kennedy et al.)

Falcon et al. also teaches utilizing call status to properly route a call to the appropriate agent/call center. (P. 4, ¶ 0041 of Falcon et al.)

As to claims 14 – 16, 29, 30, and 44 – 46, Falcon et al. also teaches distinguishing between residential lines and business lines, as well as providing ISDN and ADSL service. (P. 3, ¶ 0025 and P. 4, ¶ 0039)

Note that Kennedy et al., Riskin, and Falcon et al. are not limited by the services and/or types of services that may be offered and in fact, contemplate their systems being used for almost any service. Again, such is merely a design and preference choice. Therefore, requesting residential or business service would be obvious and is

Art Unit: 2642

also old and well known as a distinction when requesting service – hence the distinction discussed above re: Falcon et al. Also, because ISDN and ADSL are well known protocols and configurations as taught by Falcon et al., such would also be obvious as a service type. Even applicant's claims suggest this flexibility and interchangeability between the services/service types.

As to claims 27 and 28, Kennedy teaches diagnostic testing of any and all components or related system elements as well as testing to verify proper communications between mobile unit 12 and NSC 14. (Col. 9, line 49 – Col. 10, line 11 and Col. 19, lines 22 – 42 of Kennedy et al.)

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,848,143 (Andrews et al.) teaches a centralized communications controller to control access to a plurality of call centers. US 5,881,131 (Farris et al.) teaches a system for requesting services, wherein multiple services and service centers providing those services are contemplated. US 6,044,145 (Kelly et al.) teaches a telecommutable platform using both ISDN and ADSL in an ACD environment.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

Art Unit: 2642

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.  
January 25, 2004

  
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